

DETAILED ACTION

1. This action is in response to a miscellaneous communication, submitted 10/28/08, from Applicants regarding prior art.

Information Disclosure Statement

2. The Applicants argue that the communications filed 9/29/08 regarding the information disclosure statement filed 8/18/08 is in error and that the references cited therein should be considered. The Examiner respectfully disagrees. As previously set forth in Section 4 of the communications filed 9/29/08, the information disclosure statement filed 8/18/08 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 for lacking a statement as specified in 37 CFR 1.97(e) and for lacking a fee as set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. It is noted that the references cited in the IDS filed 8/18/08 do not appear with the originally filed papers filed 12/20/05. Further, Applicant's copy of the original postcard receipt (See Applicant's submission filed 9/15/08) merely indicates that four references were cited in the originally filed information disclosure statement. **Applicant is again advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of**

filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias
Primary Examiner
Group Art Unit 2872
11/7/08

/Arnel C. Lavarias/
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